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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,455	01/15/2004	Charles O. Townley	THUMB-604DIV	5634

7590
Christopher John Rudy
209 Huron Ave., Ste. 8
Port Huron, MI 48060

09/22/2009

EXAMINER

PELLEGRINO, BRIAN E

ART UNIT	PAPER NUMBER
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3738

MAIL DATE	DELIVERY MODE
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09/22/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10758455	1/15/04	TOWNLEY, CHARLES O.	THUMB-604DIV

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EXAMINER

Brian E. Pellegrino

ART UNIT	PAPER
3738	20090922

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Commissioner for Patents

The following additions to the Examiner's Answer are incorporated into the vacated Answer of 7/8/09 in lieu of the Board PAI review mailed 9/16/09.

It was determined the heading (2) Related Appeals and Interferences was missing and is hereby added to the Examiner Answer on page 2 of the Answer of 7/8/09.

It was also determined that the heading 9) Grounds of Rejection was inadvertently listed on page 3 of the Answer of 7/8/09 twice. The Examiner hereby deletes the first instance of the repeated heading.

It was also noted that NPL references were missing from the list of art used in the rejection listed under 8) Evidence Relied on and these references are added under the heading:

Wright Medical Technology- "Swanson Titanium Basal Thumb Implant"

ASTM F 1377-98 "Standard Specification for Coabalt 28 Chromium-6 Molybdenum Powder for Coating of Orthopedic Implants" 1998, pp. 699,700.

/Brian E Pellegrino/
Primary Examiner, Art Unit 3738